IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 339 of 2004

Between:

Dr.C.Siva Subramanyam, s/o late C.Srinivasan,
Reader in Commerce, S.D.G.S.College, Hindupur,

] Anantapur District.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep., by its Secretary,

Secretariat Building, Higher Education Department, Hyderabad.
2. The Commissioner of Collegiate Education,

Andhra Pradesh, Hyderabad.
3. The Secretary, S.D.G.S.College Committee, Hindupur,

Anantapur District.
4. Dr.K.Narasimha Rao, Principal, S.D.G.S.College, Hindupur,

Anantapur District.
5. The University Grants Commission, rep., by its Secretary, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents No.2 in issuing the proceedings R.C.No.1203/Admn.IV-2/2000-1 dated 1-2-2002 in appointing the respondent no.4,

as Principal of the College by way of recruitment by transfer contrary to the G.O.Ms.No.208 Education Department dated 29-6-1999 as illegal, arbitrary and unconstitutional. Consequently, direct the respondents to appoint the petitioner as Principal of the respondent No.3 college by recruitment by transfer in accordance with G.O.Ms.No.208, Education Department dated 29-6-1999.

Counsel for the Petitioner: MR.K.V.SUBBA REDDY

Counsel for the Respondent Nos. 1 and 2: GP FOR HIGHER EDUCATION

Counsel for the Respondent No.4: MR. O.MANOHER REDDY

Counsel for the Respondent No.5: MR.A.RAJASEKHAR REDDY (SC FOR CG)

The Court made the following:

O R D E R:

This writ petition is filed questioning the proceedings Rc.No.1203/Admn.IV-2/2000-1 dated 01-02-2002 of the second respondent appointing the fourth respondent as Principal of the third respondent-college.

The grievance of the petitioner is that he has been designated as a Reader and as per G.O.Ms.208 Education Department dated 29-06-1999 only Readers can be promoted as Principal, but not the Lecturers. He, being a Reader, is entitled for promotion and appointment as a Principal. Such a course of action was not followed by the respondents. However, it is brought to the notice of the Court that on 30-08-2004, the fourth respondent retired from service on attaining age of superannuation. Therefore, nothing survives in the writ petition.

The learned counsel for the petitioner submits that on 16-11-2004 the petitioner made a representation before the second respondent and the same is pending.

In view of the above, without expressing any opinion on merits, the second respondent is directed to consider and dispose of the representation made by the petitioner on 16-11-2004, within a period of two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is closed with the above directions. No order as to costs.

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26-11-2004.

Lrkm.

To

1. The Secretary, Government of Andhra Pradesh,

Secretariat Building, Higher Education Department, Hyderabad.
2. The Commissioner of Collegiate Education,

Andhra Pradesh, Hyderabad.
4. The Secretary, University Grants Commission, New Delhi.

4. 2CCs to the G.P for Higher Education, High Court of A.P., High Court

Buildings, Hyderabad(O.U.T).

5. 2CD copies.